THE CRIMES COMPENSATION BOARD ANNUAL REPORT

AWARDS MADE FROM PERIOD

APRIL 1, 1981 TO MARCH 31, 1982

Alberta
Attorney General

Alberta

THE CRIMES COMPENSATION BOARD

403/427-7217

9833 - 109 Street
Edmonton, Alberta, Canada
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September 1, 1982

The Honourable Neil Crawford, Q.C.,
Attorney General of Alberta,
Legislature Building,
Edmonton, Alberta.

Dear Sir:

I submit herewith the Annual Report of the Crimes Compensation Board for the period April 1, 1981 to March 31, 1982.

Respectively submitted,

B.V. Massie

Bruce V. Massie, Q.C.,
Vice-Chairman.

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THE BOARD

ERNEST S. WATKINS, Q.C. - CHAIRMAN

BRUCE V. MASSIE, Q.C. - VICE-CHAIRMAN

BORIS A. NAHORNICK, M.D. - MEMBER

Copies of this report may be obtained from:

Crimes Compensation Board

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INTRODUCTION

The Criminal Injuries Compensation Act was enacted in 1969 to provide assistance to victims of violent crime who suffer financial loss as a direct result of injuries or death.

The Crimes Compensation Board, established under The Criminal Injuries Compensation Act, consists of three members appointed by the Lieutenant Governor in Council, one of whom must be a barrister and solicitor. The members of the Board are: E.S. Watkins, Q.C., Chairman; B.V. Massie, Q.C., Vice-Chairman and Dr. B.A. Nahornick, Member.

The Board is empowered to hold hearings throughout the province to review claims and to require evidence to be given under oath. Although proceedings are informal, any false statement made to the Board under oath is punishable by a fine not exceeding $500.

The Board may make orders for compensation when injury or death is a direct result of an act or omission of another person within the description of criminal offences as set out in the appendices, on page 14, or to a person who endeavored to make an arrest, or assist a peace officer with respect to carrying out law enforcement duties.

Claims may be considered by the Board if the crimes and injury occurred in Alberta, the details have been reported to police within a reasonable time, the claim is received by the Board within one year of the injury or death and the loss for which the claim is made exceeds $100.

An applicant must consent to a medical examination if required by the Board and allow the Board to conduct inquiries to verify any statements made.

The Board cannot compensate for injuries caused by motor vehicles except where a spouse is killed as a result of criminal negligence on the part of the operator or because the operator was driving while impaired.

APPLICATIONS

During the last fiscal year the number of applications continued to rise from 204 in the previous year to 273 - 227 from males and 46 from females. Residents of other provinces accounted for 18 claims. Of the 273 applications, 254 were for personal injury and the remainder, 19, were for death benefits.

The number of decisions made and recorded by the Board was 296. Payments based on these decisions during the past year totalled $489,617. Loss of earnings accounted for more than 60 per cent of this total.

As medical and hospital expenses of most victims are covered by the provincial health plans, medical expenses paid by the Board were mainly for dental work.

Details of the activities of the Board during the year are provided on page 16.

The most frequent crimes giving rise to applications were:

Assault Causing Bodily Harm
Robbery
Wounding with Intent
Attempted Murder
Murder

In the fiscal year 27 applicants were refused awards. The following are two examples of applications refused:

Decision No. 1588-82 Application No. 071-3

This was an application by a single male, age 29, for compensation for loss from injuries sustained on June 28, 1980 in Calgary. Inquiries showed that there was no record of the incident in which the Applicant was injured, or of his injuries having been reported to the proper law enforcement authority as required under the Act.

Decision No. 1585-82 Application No. 091-4

This was an application by a single male, age 38, resident of Edmonton, for compensation for loss from injuries received on August 1, 1981. The Applicant was assaulted and robbed by two men in his hotel room which resulted in a laceration on the left side of his head, bruising and concussion. As he received full pay for his three week absence from work, his only pecuniary loss was the cost of prescription drugs and ambulance charge which placed his claim below the minimum $100 amount.

MONTHLY AWARDS

The Board feels confident that its power to make awards on a monthly basis is a valuable remedy. Awards of this type provide monthly payments to a victim suffering a continued disability, or in the case of a claim for death benefits, to the dependants of a victim.

There are many instances in which payment of a single lump sum to a victim would be inappropriate, particularly in times of inflation. A monthly payment involves an annual review by the Board, when amendments can be made as circumstances change. It must also be noted that over an extended period, the total of monthly payments may well equal the amount the civil courts might have awarded by way of damages.

Currently 37 victims are receiving monthly payments, ranging from $50 to $1,250. Each amount depends on the former earning capacity of the applicant. All of these applicants would have been entitled to social assistance, but the payments by the Board correspond more closely to the earnings they have lost as a result of violent crime. The following are four examples of monthly awards:

Decision No. 1360c-82 Application No. 086-3

Victim male, age 22, single, construction laborer, injured from an assault in Blue Ridge on May 13, 1980. After picking up two hitchhikers the victim was beaten and robbed, leaving him blind in the left eye. No charges were laid. Monthly interim award of $500 commencing February 1981 and suspended May 1981 while the victim was in Alberta Hospital. Payments of $500 per month resumed August 1981 and to continue until further order. The Applicant is now seeking light employment and his application will be reviewed in December 1982. Total amount paid out to date is $5,500.

Decision No. 475j-82 Application No. 41f-75

Victim single male, age 25, student and part-time service station attendant, was injured on November 16, 1974 in St. Paul as a result of dangerous use of a firearm. Bullet struck applicant in the right shoulder and lodged in the spinal canal producing paralysis affecting both motor and sensory nerves. He no longer needs a wheelchair and can move with crutches. He has also found suitable employment. Monthly interim award of $450 commencing September 1976, increased to $500 in 1977, $525 in 1978, $575 in 1980 and to $600 in 1982. Total amount paid out to date is $41,734.

Decision No. 576f-81 Application No. 51e-76

Widow, age 40, three children, whose husband was fatally stabbed at Stony Plain on April 1, 1976 by his stepson and died without any substantial assets. Widow applied for death benefits. Offender charged with non-capital murder. Monthly interim award $700 commencing September 1976 and decreased to $625 in September 1977. Payments have continued at the rate of $625 per month. Total amount paid out to date is $42,388.

Decision No. 725e-81 Application No. 43[illegible]77

Victim female, age 65, married, injured in Edmonton on March 30, 1976. The Applicant was attacked in a parking lot by someone attempting to snatch her purse, causing her to fall and fracture her right thigh. She required an artificial hip joint which left her with some permanent disability necessitating domestic help. Monthly interim award of $50 commencing July 1977 and has continued at this rate with annual reviews. Total amount paid out to date is $2,850.

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ATTORNEY GENERAL

INTERIM AWARDS

An interim award is a lump sum payment made when no permanent disability is expected from injuries sustained, but is usually serious enough to warrant a reassessment of the Applicant's condition in six months. In the last fiscal year 23 interim awards were granted by the Board. The following are two examples:

Decision No. 1373b-82 Application No. 117b-3

Victim married, age 23, male, applied for compensation for loss from injuries received in Edmonton on September 13, 1980. The Applicant was shot in the leg after attempting to break up a fight, fracturing both bones in the leg. He was not able to return to work until June 1981 as a result of the injury. He was awarded interim payments in March 1981 for $2,184, in August 1981 for $4,800 and March 1982 for $1,800. Total payments to date are $8,784.

Decision No. 1447a-82 Application No. 143a-3

Victim male, age 34, divorced, heavy equipment operator, injured from gunshot wounds to lower abdomen and right elbow received on December 10, 1980 at Alberta Beach. Offender was convicted and sentenced to 18 months in prison. The Applicant has not yet been able to return to work due to limited movement in his elbow. Awarded interim payments in July 1981 for $6,560 and in January 1982 for $4,765, totalling $11,325. Claim to be reviewed again in six months.

FINAL AWARDS

A final award is a one-time payment to cover a victim's loss of earnings and expenses resulting from a crime where the Applicant is able to return to work with no decrease in earnings. There were 159 final payments awarded in the last fiscal year. The following are two examples:

Decision No. 1449-81 Application No. 172-3

Application by father for reimbursement of funeral expenses arising out of the death of his son who was fatally stabbed in Calgary on July 29, 1980. Offender found guilty of manslaughter and sentenced to two years. In July 1981 the Board granted a final award of $2,500 to cover the funeral expenses.

Decision No. 1527-81 Application No. 074-4

Victim female, age 27, separated, resident of Edmonton who was raped on August 20, 1980, applied for reimbursement of pecuniary losses. In December 1981 she was awarded $506 to cover one week's loss of earnings, damage to clothing and replacement of broken eyeglasses.

SUPPLEMENTAL AWARDS

A supplemental award is a lump sum payment made to a victim to cover additional expenses, usually medical, which may have been incurred after the initial award. The Board granted 50 supplemental awards to applicants in the last fiscal year. The following are two examples:

Decision No. 1246c-81 Application No. 193-2

Victim single male, age 30, sheet metal worker, assaulted in Edmonton on February 20, 1980, resulting in a fractured jaw. After a final award in June 1980 of $1,340 to cover loss of earnings, the Applicant was awarded four supplemental payments to cover dental treatments required as a result of the injury. Payment of $98 in July 1980, $117 in November 1980, $585 in May 1981, and $565 in October 1981. The total paid out to date is $2,705.

Decision No. 1251b-81 Application No. 184-2

Victim single male, age 22, cement finisher, injured in Edmonton on September 2, 1979 after being stabbed in the buttocks. The Applicant missed 17 weeks' work and still suffers a disability requiring him to wear a leg brace. Since a final award of $4,127 in June 1980 to cover loss of earnings, the Applicant has been awarded two supplemental awards of $190 each to cover the expense of new leg braces. Total payments to date are $4,507.

PAIN AND SUFFERING

The ability of the Board to award compensation for what is termed pain and suffering is limited, both in circumstances and amount. Compensation for disfigurement and pain and suffering caused by the injury can only be awarded if the injury occurred while the victim was preventing a crime or making an arrest or assisting a peace officer to do so. The maximum award is $10,000. The total paid last year was $37,950 as compared to $24,150 paid the previous year. The scale of these awards is well below that of comparable awards in the civil courts due to the restrictions expressed in The Criminal Injuries Compensation Act. The Board has no desire to recommend any change, save in cases of injury to housewives, pensioners, men and women who monetarily are "non-earners", often elderly and often suffering from profound and continuous shock as a consequence of a violent assault.

The Board considers that public concern for this class of victim might be met by empowering the Board at its discretion to order a payment, for example, of not more than $5,000 to such a victim. The cost to the province would be very small and the value to the victim might be incalculable. The following are two examples of pain and suffering payments:

Decision No. 1463-81 Application No. 187-3

Application by a single male, age 34, for compensation for pain and suffering resulting from injuries received in Edmonton on February 10, 1981. The Applicant gashed his left hand on broken glass while apprehending an intruder who had broken into his home. As the injury was sustained in the course of making an arrest, the Board awarded him $1,000 for pain and suffering.

Decision No. 1439-81 Application No. 090-3

Application by a married male, age 60, correction officer, for compensation for injuries suffered in Drumheller on May 17, 1980. Applicant was the victim of a hostage-taking incident by prisoners at the Correctional Institute and was subjected to threats and violence. Victim suffered neck and back pain and psychological upset. He was not able to return to work until September 1, 1980 but suffered no loss of wages. In June 1981 the Board awarded damages of $3,000 for pain and suffering.

PUBLIC AWARENESS

The Board believes that knowledge of the existence and mandate of the Crimes Compensation Board is increasing across the province although the process is far from complete. One indication of this is the increase in the number of applications filed within a few days of the event.

An information brochure outlining the work of the Board and the relief it can provide has been distributed to police forces, schools, hospitals and interested groups in the province. The police forces have been provided with a summarized information card which can be given to a victim when a crime is being investigated.

The Chairman has been interviewed concerning the activities and responsibilities of the Board by the media on several occasions.

The Board is very appreciative of the cooperation it has received from the news media in publicizing its decisions.

The Board also wishes to acknowledge and thank the law officers of the Crown for their assistance and is mindful of the conscientious and capable manner in which the Board's staff carries out its responsibilities.

It is part of the war against crime that all the casualties shall be properly and promptly cared for.

DECISIONS

The total number of decisions made by the Board in the past fiscal year was 296, broken down as follows:

Monthly Awards	37
Interim Awards	23
Final Awards	159
Supplemental Awards	50
Applications Refused	27

PAYMENTS

Payments made during the past year based on these decisions were:

Monthly Awards	$170,609
Interim Awards	88,854
Final Awards	209,300
Supplemental Awards	20,854
	$489,617

A breakdown of the awards is as follows:

Loss of Earnings	$297,800
Medical Expenses	45,991
Pecuniary Loss to Dependants of Victims	51,805
Pain and Suffering	37,950
Funeral Expenses	23,674
Other Pecuniary Loss	26,746
Counsel and Legal Fees	5,651
	$489,617

FEES

The fees paid out to the three Board members were $80,110. Their disbursements totalled $12,328 bringing the total paid out to the Board to $92,438. The Board held hearings on 39 days; 24 in Edmonton, 14 in Calgary and one in Lethbridge.

TYPES OF CRIME

Of applications which had a first hearing during the 1981-82 period, the following was noted:

Assaulting a Peace Officer	5
Assault Causing Bodily Harm	101
Attempted Murder	11
Causing Bodily Harm with Intent	13
Common Assault	9
Dangerous Use of Firearm	2
Indecent Assault on Female	1
Indecent Assault on Male	1
Kidnapping	3
Manslaughter	2
Murder	11
Rape	5
Robbery with Violence	20

APPLICATIONS BY AREA

Of the 273 new applications received during the 1981-82 period, the following is a breakdown by area:

Abbottsford, British Columbia	1
Airdrie	1
Atikameg	2
Belleville, Ontario	1
Bonavista Bay, Newfoundland	1
Bonnyville	1
Bragg Creek	1
Brooks	1
Brossard, Quebec	1
Calgary	75
Campbell River, British Columbia	1
Camrose	1
Cardston	1
Chard	1
Charlottetown, Prince Edward Island	1
Cobourg, Ontario	1
Cochrane	1
Crossfield	1
Didsbury	1
Drumheller	1
Edmonton	119
Edson	1
Fairview	1
Fawcett	1

APPLICATIONS BY AREA (continued)

Fort Chipewyan	1
Fort Macleod	1
Fort Saskatchewan	2
Grande Cache	1
Grande Prairie	1
Granum	1
Grouard	1
High Prairie	1
High River	2
Hilliard	1
Hillspring	1
Lac La Biche	3
Lacombe	1
Leduc	2
Lethbridge	1
Lloydminster, Saskatchewan	1
Medicine Hat	1
Millet	2
Montreal, Quebec	2
Morinville	1
Oakville, Ontario	1
Okotoks	1
Onoway	1
Orleans, Ontario	1
Peers	1

APPLICATIONS BY AREA (continued)

Penhold	1
Ponoka	3
Prince George, British Columbia	2
Quesnel, British Columbia	1
Red Deer	2
Sherwood Park	1
Spruce Grove	2
St. Albert	1
Stellarton, Nova Scotia	1
Strathmore	1
Sunset House	1
Surrey, British Columbia	1
Vancouver, British Columbia	2
Westlock	2
Windsor, Ontario	1
Winnipeg, Manitoba	1
Winterburn	1

CRIMINAL INJURIES COMPENSATION

SCHEDULE 1

Section of Criminal Code (Canada)	Description of Offence
66	taking part in a riot
76.1	hijacking of aircraft
76.2	endangering safety of aircraft in flight
76.3	taking on board a civilian aircraft offensive weapons or explosive substances
78	failure to take reasonable care in respect of explosives where death or bodily harm results
79	intentionally causing death or bodily harm by explosive substance
84	careless use of firearm
144	rape
145	attempted rape
146	sexual intercourse with female under 14 or under 16 years of age
149	indecent assault on female
156	indecent assault on male
176	common nuisance causing harm
197	failure to provide necessaries
200	abandoning child
201(a)	causing bodily harm to apprentice or servant
203	causing death by criminal negligence
204	causing bodily harm by criminal negligence
218	murder
219	manslaughter

CRIMINAL INJURIES COMPENSATION (continued)

Section of Criminal Code (Canada)	Description of Offence
222	attempted murder
228	causing bodily harm with intent
229	administering poison
230	overcoming resistance to commission of offence
231	setting traps likely to cause death or bodily harm
232	interfering with transportation facilities
240(1)	dangerous operation of vessel or towed object
240(4)	impaired operation of vessel
241	impeding attempt to save life
245(1)	common assault
245(2)	assault causing bodily harm
246(1)	assault with intent to commit indictable offence
246(2)	assault interfering with lawful process
247(1)	kidnapping
247(2)	illegal confinement
303	robbery
381	intimidation by violence
387(2)	mischief causing actual danger to life
389	arson
392	causing fire resulting in loss of life
393	false fire alarm

CRIMINAL INJURIES COMPENSATION (continued)

SCHEDULE 2

Section of Criminal Code (Canada)	Description of Offence
233	criminal negligence in operation of motor vehicle: dangerous driving
234	impaired driving

STATISTICAL SUMMARY
BREAKDOWN OF AWARDS

Year	Lose of Earnings	Medical Expenses	Pecuniary Loss to Dependants	Pain and Suffering	Funeral Expenses	Other Pecuniary Loss	Counsel & Legal Fees	TOTAL
1981-82	$297,800	$45,991	$51,805	$37,950	$23,674	$26,746	$ 5,651	$489,617
1980-81	302,328	39,637	45,789	24,150	24,577	31,302	7,025	474,808
1979-80	365,081	45,175	41,582	21,450	42,034	27,512	7,730	550,564
1978-79	301,217	32,621	30,577	17,036	43,695	27,123	8,580	460,849
1977	267,759	31,355	36,370	26,200	21,298	20,665	8,012	411,659
1976	219,314	23,379	32,320	35,200	5,744	45,106	10,268	371,331
1975	162,881	11,229	41,390	3,500	1,114	9,451	5,710	235,275
1974	131,967	10,336	17,127	8,000	1,248	9,081	4,540	182,299
1973	72,753	8,690	9,841	8,750	——	5,973	2,214	108,221
1972	83,941	8,212	19,697	11,570	3,374	3,761	2,514	133,069
1971	47,178	6,810	8,350	3,610	561	2,677	2,292	71,478
1969-70	39,692	5,105	521	5,250	741	10,596	2,589	64,494